IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 89 OF 2001.

Shri Gurudas Gunaji Naik,
r/o H. No. 3-377, Ward No.
10, St. Inez, Panaji. ... Petitioner.

Versus

1. State of Goa through
its Chief Secretary,
Secretariat, Panaji.
2. Director, Printing
and Stationery, Government
Printing Press, Panaji.
3. Shri Sandeep C.P. Gaonkar,
Government Printing Press,
Panaji.
4. Shri Chandrakant P. Pednekar,
Government Printing Press,
Panaji.
5. Shri Kiran L. Verenkar,
Government Printing Press,
Panaji.
6. Shri Ulhas D. Pagi,
Government Printing Press,
Panaji.
7. Shri Adam Khan,
Government Printing Press,
Panaji.
8. Smt. Shweta B. Malwankar,
Government Printing Press,
Panaji.
9. Shri Venkatesh Narayan Prabhu,
Government Printing Press,
Panaji. ... Respondents.

Mr. J. Godinho, Advocate for the Petitioner.

Ms. W. Coutinho, Government Advocate for the Respondent No. 1/State.

Coram : F.I. REBELLO AND
P.V. HARDAS, JJ.

Date : 6th August 2003.

ORAL JUDGMENT (PER HARDAS, J.)

By this petition, the petitioner impugns the promotion of respondents 3 to 9 by the Order, Exhibit O,

dated 26th September 2000.

2. The petitioner was appointed as Compositor on 27th December 1982 on temporary basis. Thereafter the services of the petitioner were regularised with effect from 3rd February 1983 as a Compositor. On 14th March 1985, the petitioner was confirmed against the permanent post of Compositor with immediate effect. In the final seniority list which had been issued, the petitioner was shown at Serial Number 5, that is, above respondents 3 to 9, whose promotions are impugned in the present petition.

3. It appears that on 11th December 1997, the petitioner alongwith 5 others were deputed to undergo training on Desk Top Publications System (Computers). The petitioner, who had undergone the training was directed to appear for a trade test, which was conducted on 7th April 2000. The petitioner, accordingly, appeared for the trade test while respondents 3 and 4, whose promotions are impugned in the present petition, sought liberty to appear for the trade test subsequently. It appears that by a letter dated 21st July 2000, the respondents 3 and 4 were permitted to appear for the trade test on 19th September 2000.

4. The performance of the petitioner and the

respondents was evaluated by the Departmental Promotion Committee and based on the recommendation, the impugned Order, dated 26th September 2000 promoting the respondents 3 to 9 to the post of Photo-Setters came to be issued.

5. On behalf of the respondents, an affidavit of W.V.R. Murthy, Director of Printing and Stationery, Government Printing Press, Panaji, Goa, has been filed. In paragraph 6 of the said affidavit it is stated that the petitioner had failed in the trade test, which had been conducted, as the petitioner had secured only 20 marks out of 100 marks, while the passing marks were 25. If that be the case, that the petitioner had failed in the trade test and, as a result of which, he was not recommended for promotion, we do not find any illegality committed by the respondents in issuing the impugned Order promoting the respondents 3 to 9.

6. It appears that the petitioner has, subsequently, been promoted. There are no malafides which have been alleged by the petitioner against the authorities, who had conducted the trade test, and,in the absence of such a challenge, according to us, we cannot go beyond the results of the trade test and examine the correctness of the decision rendered therein.

7. In the result, therefore, we do not find any merit in the petition and the petition is dismissed. Rule is discharged with no order as to costs.

(F.I. REBELLO)
JUDGE.

(P.V. HARDAS)
JUDGE.

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